

**MANDATE**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUITSchny/nyng  
04-cv-8391  
CoteJEFFREY S. VAUGHN, individually and on  
behalf of those Class Members similarly situated,

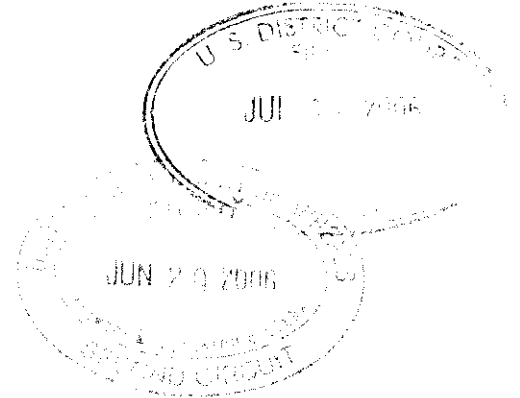
Case No. 06-1768-CV

Plaintiff,

-against-

LEEDS, MORELLI & BROWN, P.C., LEEDS,  
MORELLI & BROWN, L.L.P., LEEDS &  
MORELLI, LEEDS, MORELLI & BROWN,  
PRUDENTIAL SECURITIES, INC.,  
PRUDENTIAL FINANCIAL, INC., LENARD  
LEEDS, STEVEN A. MORELLI, JEFFREY K.  
BROWN, JAMES VAGNINI, FREDERIC DAVID  
OSTROVE, ROBERT JOHN VALLI, JR.,  
DISCRIMINATION ON WALL STREET, INC.,  
DISCRIMINATION ON WALL STREET,  
MANHATTAN, INC., JOHN DOES, 1-10 AND  
JANE DOES, 1-10 a fictitious designation for  
presently unknown licensed attorneys,  
professionals and/or unknown persons or entities,,

Defendants.

**STIPULATION WITHDRAWING PREMATURE APPEAL**

It appearing that the above appeal is premature because some claims are still pending in the District Court, i.e. dismissal of the Wachovia defendants was "without prejudice" (see *Chapelle v. Beacon*, 84 F.3d 652 (2d Cir. 1996)), claims against the Leeds firm and Brown are stayed pending arbitration, not dismissed, (see *Salim v. M/V Shropshire*, 278 F.3d 90 (2d Cir. 2002)), and the District Court's March 20, 2006 dismissal of certain individual defendants was not a final judgment for purposes of appeal

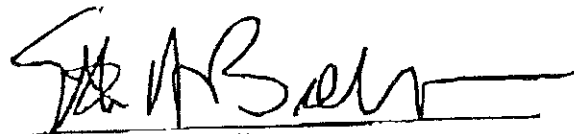
**A TRUE COPY****Rebecca B. MacKechnie, CLERK**
  
DEPUTY CLERK

CERTIFIED:

7/11/06

and appellants having filed a motion in the District Court for FRCP 54(b) certification on June 16, 2006, which motion is now pending in the District Court, WHEREFORE

The undersigned counsel for the parties hereby stipulate that the above-captioned appeal is hereby withdrawn <sup>to filing a new notice of appeal,</sup> without prejudice and without costs and without attorneys' fees pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. This stipulation shall not preclude any appeal from a final judgment, i.e., adjudicating all the claims and the rights and liabilities of all the parties, or granting certification, FRCP 54(b).



Attorney for Appellant  
Ethan A. Brecher  
Liddle & Robinson, L.L.P.



Attorney for Appellee  
Daniel T. Hughes  
Litchfield Cayo LLP

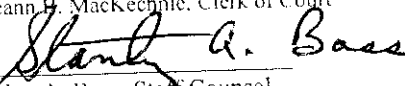
Dated:

SO ORDERED:

FOR THE COURT

Roseann B. MacKechnie, Clerk of Court

By

  
Stanley A. Bass, Staff Counsel

June 29, 2006